

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15-cv-246-MOC**

BRADFORD D. ALLEN,

Plaintiff,

vs.

**MADISON CO. SHERIFF'S DEPT./JAIL,
ET AL.,**

Defendants.

ORDER

THIS MATTER is before the Court on its own motion. The Court held an evidentiary hearing on Monday July 31, 2017, on the sole issue of whether Plaintiff exhausted his administrative remedies before filing this action. The Court finds that more witness testimony is necessary before rendering a decision on the issues discussed at the hearing.

Therefore, this matter shall be continued, and the parties shall appear for further testimony from additional witnesses in this matter. The continuation of the evidentiary hearing is to be commenced on Friday, August 11, 2017, at 10 a.m. in Courtroom One, in Asheville, North Carolina. Furthermore, Defendants shall be responsible for ensuring that the following witnesses are present to testify regarding the issue of exhaustion of administrative remedies, as discussed at the hearing held on July 31, 2017: Officers Jamie Cook, William Martin, Emily Silvers, and FNU Wendell, all alleged by Plaintiff to be officers at the Madison County Detention Center at all relevant times.¹ To state the gist of the matter, Plaintiff testified at the evidentiary hearing that he

¹ The Court has attempted to state accurately the names given by Plaintiff in his testimony at the evidentiary hearing held on July 31, 2017. If the names are inaccurate, Defendants shall


asked these employees at various times for grievance forms and that these employees brought him grievance forms for him to fill out to grieve his various claims. The witnesses shall be prepared to testify as to this issue.

IT IS, THEREFORE, ORDERED that the Bureau of Prisons and the U.S. Marshal Service are hereby ORDERED to transport and produce the body of Bradford D. Allen, offender #22458-058, incarcerated at Edgefield Federal Correctional Institution in Edgefield, South Carolina, under safe and secure conduct before the undersigned United States District Judge Max O. Cogburn, Jr., in and for the Western District of North Carolina, at Courtroom One in Asheville, North Carolina, on or before August 11, 2017, at 10 a.m. to be present for an evidentiary hearing in this matter. Upon completion of the evidentiary hearing, Plaintiff is to be returned to the custody of the Bureau of Prisons.

IT IS FURTHER ORDERED that the Clerk's Office is respectfully directed to send a copy of this Order to all parties and the U.S. Marshal.

IT IS SO ORDERED.

Signed: August 3, 2017



Max O. Cogburn Jr.
United States District Judge

¹The Court has attempted to state accurately the names given by Plaintiff in his testimony at the evidentiary hearing held on July 31, 2017. If the names are inaccurate, Defendants shall make a reasonable attempt to discern the accurate names of the officers to which Plaintiff referred at the hearing. Any refusal by a witness to testify will be a factor considered by the Court in making its credibility determinations in this matter.